

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

IVAN G. PIVAROFF, et al.,

Defendant(s).

Case No. 2:13-CV-1498 JCM (PAL)

ORDER

Presently before the court is plaintiff United States' motion to dismiss defendant Associated Enterprises Limited ("AEL") from the action with prejudice. (ECF No. 208). Also before the court is defendant AEL's motion to dismiss its crossclaim again Oahu Limited Partnership (ECF No. 210). No response to either motion was filed and the deadline to do so has passed.

Pursuant to District of Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." D. Nev. R. 7-2(d). However, the court will not automatically grant every unopposed motion. Instead, the court must weigh the following factors before dismissing the action: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions. *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995).

Having considered the motions and plaintiff's complaint in light of the *Ghazali* factors, the court will grant both motions. The first three factors—the public's interest in expeditiously resolving this litigation, the court's interest in managing the docket, and the risk of prejudice to

1 defendants—all weigh in favor of dismissal. See *Ghazali*, 46 F.3d at 53; *Anderson v. Air West*,
2 542 F.2d 522, 524 (9th Cir. 1976) (holding that a presumption of injury arises from the occurrence
3 of unreasonable delay). In consideration of these factors, the court finds that dismissal of AEL
4 and its crossclaim against Oahu is appropriate.

5 Accordingly,

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to
7 dismiss, (ECF No. 208), be, and the same hereby is, GRANTED.

8 IT IS FURTHER ORDERED that defendant Associated Enterprises Limited's motion to
9 dismiss (ECF No. 210), be and the same hereby is, GRANTED.

10 DATED July 11, 2016.

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UNITED STATES DISTRICT JUDGE